REMARKS

Initially, applicant expresses appreciation to the Examiner for the courtesies extended in the recent in-person interview conducted with Applicant's representatives. The amendments and remarks presented herein are consistent with those discussions. Accordingly, entry of this amendment and reconsideration of the pending claims is respectfully requested.

The Office Action, mailed May 11, 2007, considered and rejected claims 1-21. Claims 1-17 and 19-21 were rejected under 35 U.S.C. § 102(e) as being anticipated by *Harrenstien* (U.S. Patent No. 7,085,553). Claim 18 was objected to as being dependent upon a rejected base claim, but would be allowed if rewritten in independent form including all of the limitations of the base claim and any intervening claims.[1]

By this amendment, claims 1 and 12 are amended, and no claims are added or cancelled. Accordingly, following this paper, claims 1-21 remain pending, of which claims 1, 10, 11, 12, 20 and 21 are the only independent claims at issue.

As discussed during the interview, Applicant's claims are directed to a messaging system in which the content of a message transmitted to a mobile device is dependent on the radio transferring capabilities of the mobile device. For example, as recited in claim 1, a server transmits a request to a wireless communication station. In the request, the wireless communication station is asked to identify its radio transferring capabilities and to respond to the server with such capabilities. The server then receives the response from the wireless communication station, in which the radio transferring capabilities of the wireless station are identified. Based on those capabilities that are included in the response, the content of a message is adapted.

Claims 10 and 11 recite a computer-readable storage medium and server, respectively, capable causing performance of a method generally corresponding to the method of claim 1. Claims 12, 20 and 21 recite a method, computer-readable storage media, and wireless communication station, which incorporate similar functionality, but are recited from the perspective of the mobile station.

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[1] Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

While *Harrenstien* generally disclose a messaging system in which a server sends a message to a mobile client station before sending the message, it fails to disclose or suggest the claimed invention. For example, among other things, the cited reference fails to disclose or suggest a system in which the wireless station is asked to identify and respond with its own radio transferring capabilities, or in which the server adapts the content of a message based on the disclosed radio transferring capabilities, as claimed in combination with the other claim elements. Indeed, *Harrenstien* merely discloses a selective messaging system in which before a message is sent to the user, the user is provided with a message indicator to allow the user to determine whether to accept the message.

Specifically, information intended for the client is received or generated by the server. (Col. 5, ll. 19-20). Upon such action, the server generates a message to indicate to the client that the server has information waiting for the client station. (Col. 5, 20-27). The generated message may include information about the type of message that is waiting and the size of the waiting message. (Col. 6, ll. 7-17). When the mobile device user views this information, he or she can determine whether to accept the message. If the user wants the message, the user can log-in to the system and retrieve the waiting message. (Col. 6, ln. 66 to Col. 7, ln. 5).

Thus, *Harrenstien* discloses sending a notice to the user that the message is waiting, and then allowing a user to log-in and receive the message. It fails to disclose, however, any request that the client identify and respond with its radio transferring capabilities, or that after the server receives a response that identifies such capabilities, the server adapts the contents of the message based on those radio transferring capabilities, as recited in combination with the other claim elements.

These deficiencies are particularly clear when considering the portions cited in the Office Action. In particular, the following are the entirety of *Harrenstien* used in the Office Action to reject the active elements of the above claim.

> "The server transceiver 28 then transmits the message [indicating that the server 22 has information waiting for the client station 30] to the respective client station transceiver 32 via a wireless communication page based on the telephonic address." (Col. 5, ll. 25-27)

> "...client station 30 transmits a request 64 to the server 22 for the pending information (40). After receiving the pending information 66, the client station 30 may then utilize the now-established communication link 62 for conducting further exchanges of information with the server 22." (Col. 7, ll. 1-5).

Clearly, nothing in these passages discusses, in any way, the radio transferring capabilities of a mobile client, let alone a request that the client identify and provide such capabilities. Furthermore, there is no discussion of any sort in these passages, nor in any other portion of *Harrenstien*, that any message is adapted, let alone that message content is adapted, and particularly not based on the radio transferring capabilities of the client.

In the interview, the Examiner noted that it is inherent that a wireless device has radio transferring capabilities. Applicant notes that even if this assertion is true, a wireless device having radio transferring capabilities does not read upon the claims as recited. Specifically, the claims do not merely recite communication with a wireless communication station having radio transferring capabilities. In particular, the claims clearly recite that the server requests that the wireless station identify its capabilities and provide them to the server. Thereafter, message content is adapted based on such capabilities. Applicant respectfully submits that having radio transferring capabilities is not the same as identifying and sending the capabilities to a server, nor adapting, at the server, a message's content based on those capabilities included in a response from the mobile device.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at (801) 533-9800.

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Respectfully submitted,

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